

**MEDICAL EXAMINING BOARD
MINUTES
NOVEMBER 9, 2005**

PRESENT: Drs. Alfred Franger; Jon Gudeman; Sujatha Kailas; Jack Lockhart; Daniel J. Miota; Ian Munro; Gene Musser; Sandra Osborn, Bhupinder S. Saini; Virginia Heinemann and Martha Vukelich-Austin

ABSENT: Dr. Lief Erickson

STAFF: Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson, Bureau Assistant

GUESTS: Mark Grapentine, Wisconsin Medical Society; Dick Faust, Physician Assistant (P.A.), Wisconsin Academy of Physician Assistants (WAPA)

CALL TO ORDER

Dr. Alfred Franger called the meeting to order at 8:11 a.m. There was a quorum of 10 members present.

Mr. Ryan welcomed Ms. Vukelich-Austin to the Board.

Secretary Jackson addressed the Board with appreciation for their work and answered questions of the members.

APPROVAL OF AGENDA

Additions to Agenda:

Item "F" – 2005 Assembly Bill 765

Item "G" – Wisconsin Medical Society's letter to Senator Roessler regarding 2005 Senate Bill 394

Item "I" – Letter from Dr. Joshi regarding Dr. Amit Deokar

After Item "I" - Full Board Examination for Dr. Paul R. Troost

Item "J" – Final Decision and Order in the matter of Thomas V. Rankin, MD

Item "N" – Additional information regarding Paul Russo, DO

Item "O" – Letter from Hinshaw & Culberson, LLP regarding Sparr v. State of Wisconsin Medical Examining Board Green County Case No. 05CV237

Item "O" – Additional information regarding Kenneth E. Sparr, MD

Item "O" – Order Granting Stay regarding Kenneth E. Sparr, MD

After Item "Q" – William Hobbins, MD, request for full reinstatement of license

After Item "Q" – Consideration of Complaint 02 MED 485

After Item "Q" - Consideration of Complaint 04 MED 396

After Item "Q" – DOE Pending case report, 3 year case report

After Item "Q" – Exam Issues

Dr. Saini joined the meeting in progress.

Removed from Agenda:

- Item “E” – Appearance of Mahendr Kochar, MD - 7 year rule
- Item “Q” – Curtis D. Ongstad, MD
- Item “G” – Appearance of Alice O’Connor

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES OF OCTOBER 12, 2005

Amendments to minutes:

- Dr. Gudeman was absent and should not be listed as present.
- Minor technical corrections regarding punctuation.

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to approve the October 12, 2005 minutes with amendments. Motion carried unanimously.

SCREENING PANEL REPORT

The screening panel reported that it reviewed 34 complaints: 11 were opened and 23 were not opened.

The Board set the screening panel appointments thru June 2006.

ADMINISTRATIVE REPORT

2006 Hotel Policy

Mr. Ryan explained the Department’s policies relating to the recent change in the state hotel contract.

**PRESENTATION OF ORAL ARGUMENTS FOR
PROPOSED DECISION AND ORDER**

Jeffrey C. Manlove, MD

Attorney James E. Polewski for the petitioner and Attorney Paul Erickson for the respondent presented oral arguments in the Proposed Decision and Order in the matter of Jeffrey C. Manlove, MD.

WISCONSIN MEDICAL SOCIETY REQUEST FOR SPEAKER

Mark Grapentine explained the request of the Wisconsin Medical Society for a representative of the Wisconsin Medical Examining Board to speak at the Council on Ethics and Judicial Affairs (CEJA) meeting held November 18, 2005. The council will be discussing two topics and requests the Board's viewpoint on both, 'dispensing of prescribing of controlled substances for the treatment of obesity' and 'changes to the MEB'. Dr. Franger expressed the need to get the public more aware of the workings of the Board especially when it comes to discipline. The Board also discussed pros and cons of an autonomous Medical Examining Board.

MOTION: Ms. Heinemann moved, seconded by Dr. Saini, to appoint Dr. Musser to attend the CEJA meeting with Dr. Osborn as an alternate. Motion carried unanimously.

VACCINE INFORMATION STATEMENT

Ms. Baird explained the Vaccine Information Statement and the request by Richard F. Edlich, MD, Ph.D., Journal of Long-Term Effects of Medical Implants, for a reply regarding support or opposition of the addition of a specific paragraph to the Vaccine Information Statement.

MOTION: Dr. Lockhart moved, seconded by Dr. Gudeman, to not reply with comment regarding the revised Vaccine Information Statement (no comment). Motion carried unanimously.

CITIZEN ADVOCACY CENTER CONFERENCE TRAVEL REPORT

Dr. Musser suggested the Board members review the following web sites with regard to the Citizen Advocacy Center.

- www.Cacenter.org
- www.Cpil.org
- www.Urban.org
- www.urban.org/RandallRBovbjerg

REQUEST FOR REVIEW OF 7 YEAR RULE FROM MAHENDR KOCHAR, MD

Dr. Franger stated that there are only 9 State Boards that have something different from the 7 year rule and read the Federation of State Medical Board's position on this rule. This topic will be discussed further at a future meeting when Dr. Kochar can attend.

**TEMPORARY LICENSURE OF RESIDENTS AND SUGGESTED REPLY
DRAFT**

No action was taken on this item.

**SUMMARY REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES,
ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

2005 Senate Bill 394, relating to electromyography and amending the Medical Practice Act

Tom Ryan explained the amendments to Senate Bill 394. Mr. Grapentine spoke regarding Senate Bill 394, the reference to Chapter 448 and the potential problems of this procedure being done by chiropractors. Dr. Saini suggested Board action before this becomes law.

MOTION: Dr. Saini moved, seconded by Dr. Munro, to send a letter to the Chiropractic Board and Senator Roessler opposing this bill and suggesting needle electromyography or surface electromyography be done only by trained Physicians licensed by the Medical Examining Board and that the current chiropractors practicing this procedure cease immediately. Motion carried unanimously

The Board requested a copy of the letter also be sent to the organization initiating this bill

2005 Assembly Bill 683, relating to authorizing medically related actions by Advanced Practice Nurse Prescribers (APNPs) and PAs – Board review

Colleen Baird explained the Nursing Board does not feel this is expanding their scope of practice but putting a more literal interpretation on what APNPs are currently doing. The Board requested input by Mr. Grapentine regarding the Wisconsin Medical Society's (WMS) opinion on this subject. WMS is currently looking at this bill, as well, and has not taken a stance at this time. Dick Faust, WAPA, spoke to the Board with regard to Assembly Bill 683 in support of PA's authorizing medically related actions. He also spoke about continuous frustrations with the current requirement of co-signatures required for prescriptions, dictations and procedure requests.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Dr. Munro moved, seconded by Dr. Kailas, to adjourn to closed session pursuant to Wisconsin State statutes 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Dr. Franger-yes; Dr. Gudeman-yes; Dr. Lockhart-yes, Ms. Heinemann-yes, Dr. Kailas-yes; Dr. Miota-yes; Dr. Munro-yes; Dr. Musser-yes; Dr. Osborn-yes; Dr. Saini-yes; Ms. Vukelich-Austin-yes.

Open Session recessed at 10:14 a.m.

RECONVENE TO OPEN SESSION

MOTION: Ms. Heinemann moved, seconded by Dr. Munro, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 1:42 p.m.

REQUEST TO RE-TAKE OPEN BOOK EXAMINATION AMIT DEOKAR

Mr. Deokar appeared before the Board to answer questions of the Board members.

MOTION: Dr. Kailas moved, seconded by Dr. Musser, to allow the retake of the open-book examination for Amit Deokar. Motion carried. Ms. Heinemann opposed.

FULL BOARD ORAL INQUIRY PAUL R. TROOST

Dr. Troost appeared before the Board to answer questions of the Board members and handed out letters of recommendation from his current patients.

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to require psychiatric evaluation and psychological testing for Paul R. Troost at an approved provider reviewed by Dr. Gudeman prior to licensure consideration. The testing provider must be provided the information submitted to the Board. Motion carried unanimously. Dr. Munro abstained.

**REVIEW OF APPLICATION
THOMAS V. RANKIN**

MOTION: Dr. Musser moved, seconded by Ms. Heinemann, to deny the application for reinstatement of licensure for Thomas V. Rankin. Motion carried. Dr. Osborn opposed.

**REQUEST FOR CE WAIVER
RICHARD L. BUECHEL, MD**

MOTION: Dr. Munro moved, seconded by Dr. Saini, to approve the request for CE waiver for Richard L. Buechel, MD. Motion carried unanimously.

**CONSIDERATION OF LIMITED LICENSE
GABRIELLE MORRIS, MD**

MOTION: Dr. Kailas moved, seconded by Dr. Saini, to approve a limited license for Gabrielle Morris, MD. Motion carried unanimously.

DELIBERATION OF PROPOSED DECISION AND ORDER

JEFFREY C. MANLOVE, MD

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to not accept the ALJ's decision in the matter of disciplinary proceedings against Jeffrey C. Manlove, MD. Motion carried. Dr. Munro left the room for deliberations and abstained from the voting. Dr. Musser verified he has no conflict of interest in participating in this deliberation. Dr. Osborn and Dr. Lockhart opposed.

**DELIBERATION OF PROPOSED DECISIONS RECEIVED
IN THE BUREAU AFTER MAILING OF AGENDA**

02 MED 485

MOTION: Dr. Musser moved, seconded by Dr. Osborn, in favor of finding of a probable cause in case 02 MED 485. Motion carried unanimously. Dr. Franger abstained.

04 MED 396

MOTION: Ms. Heinemann moved, seconded by Dr. Lockhart, in favor of a finding of probable cause in case 04 MED 396. Motion carried unanimously. Dr. Musser abstained.

DOE MONITORING

**PAUL RUSSO, DO
REQUESTING FULL LICENSURE**

MOTION: Dr. Lockhart moved, seconded by Dr. Musser, to request a personal appearance before the Board for Paul Russo, DO and require full payment of costs before consideration of re-instatement of licensure. Motion carried unanimously.

**KENNETH SPARR, MD
PETITION FOR 3 MONTH STAY**

MOTION: Dr. Gudeman moved, seconded by Dr. Musser, to approve the 3 month stay with 3 times a week UA testing in the matter of Kenneth Sparr, MD. Motion carried unanimously.

**STEVEN MURRAY, MD
PETITION FOR REMOVAL OF STAY**

MOTION: Dr. Musser moved, seconded by Dr. Lockhart, to vacate the stay in the matter of Steven Murray, MD. Motion carried unanimously.

**WILLIAM HOBBS, MD
PETITION FOR FULL REINSTATEMENT OF LICENSE**

Dr. Musser suggested that in order to give each case proper attention, this petition for reinstatement be held over for the next meeting because of the overload of red folder items and lack of sufficient review time.

MOTION: Dr. Musser moved, seconded by Dr. Osborn, to defer to the next meeting to allow time for discussion in the matter of William Hobbs, MD. Motion carried unanimously. Dr. Lockhart and Dr. Kailas abstained.

**REVIEW OF CANDIDATE STATUTES AND RULES EXAM
COMMENTS/REQUEST**

Mr. Ryan explained a request by an applicant regarding the open book exam.

MOTION: Ms. Heinemann moved, seconded by Dr. Miota, to allow Helmy M. Guirgis to retake the open book exam and remind her of the ability to review the failed exam. Motion carried unanimously.

DOE CASE CLOSINGS

05 MED 121

MOTION: Dr. Lockhart moved, seconded by Dr. Osborn, to close case 05 MED 121 for no violation. Motion carried unanimously. Dr. Miota abstained.

05 MED 262

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to close case 05 MED 262 for no violation. Motion carried unanimously. Dr. Miota abstained.

03 MED 426

MOTION: Dr. Miota moved, seconded by Dr. Gudeman, to close case 03 MED 426 for prosecutorial discretion (P5). Motion carried unanimously.

04 MED 394

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to close case 04 MED 394 for no violation. Motion carried unanimously. Dr. Munro abstained.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Dr. Osborn moved, seconded by Dr. Gudeman, to ratify all licenses. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Ms. Heinemann moved, seconded by Dr. Gudeman, to reaffirm all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Saini moved, seconded by Dr. Musser, to adjourn the meeting at 1:46 p.m. Motion carried unanimously.